

PATENT
W&B Ref. No.: INF 2070-US
Atty. Dkt. No. INFNWB0041

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated April 13, 2005, having a shortened statutory period for response set to expire on May 13, 2005. Please reconsider the claims pending in the application for reasons discussed below.

The Examiner states that the application contains claims directed to the following patentably distinct species of the claimed invention:

Group I Claims 1-10, described in Figures 1-2, classified in class 365, subclass 149.

Group II Claims 11-16, described in Figures 3-4, classified in class 257, subclass 301.

Applicant provisionally elects the species of Group I (claims 1-10 are readable thereon) with traverse. Applicant submits that the species identified by the Examiner are all related a dynamic memory cell and that claim 1 represents a generic claim for both species identified by the Examiner.

MPEP 806.04(e) states that:

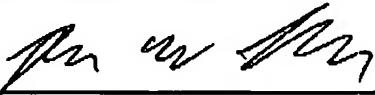
"Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 - § 806.05(i). If restriction is improper under either practice, it should not be required."

Applicant respectfully submits that Examiner has not shown that restriction is proper under both restriction practices for these related claims. Thus, withdrawal of this requirement is respectfully requested.

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Having addressed all issues set out in the Restriction Requirement, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,


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